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W.P.(MD)NO.15644 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15644 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

Karuppaiah (Died)

K.Sundarrajan

(Petitioner is substituted vide order dated 13.07.2023
in W.M.P.(MD)No.1424 of 2022)

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
4. The Tahsildar,
Srivilliputhur,
Virudhunagar District.
5. The Deputy Tahsildar-I,
Srivilliputhur Taluk,
Virudhunagar District.
6. The Village Administrative Officer,
Valaikulam Village,
Srivilliputhur Taluk,
Virudhunagar District.



7. The Executive Officer,
Mamsapuram Town Panchayat,
Virudhunagar District.

8. R.Gnana Guru

(R-8 is impleaded vide order dated 13.07.2023
in W.M.P.(MD)No.6752 of 2016)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent in his proceedings Na.Ka.A2/036/2015 dated 29.07.2015 and quash the same.

For Petitioner : Mr.K.Seemaraj

For R-1 to R-6 : Mr.SR.A.Ramachandran,
Additional Government Pleader.

For R-7 : Mr.M.Rajarajan

For R-8 : Mr.T.Antony Arul Raj

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was granted what is known as 2C patta. By the impugned order, it has been cancelled.



According to the third respondent, the trees are standing in a water-body. The petitioner states that the trees are not located in the water-body as such. This is a disputed question of fact.

3. The writ Court cannot go into the said issue. The order is also appealable before the District Revenue Officer, Virudhunagar. The petitioner is also given liberty to challenge the impugned order before the District Revenue Officer, Virudhunagar. If within four weeks from the date of receipt of a copy of this order, an appeal is filed, the same shall be entertained without reference to limitation. Till the disposal of the appeal by the District Revenue Officer, the order impugned in the writ petition will be put on hold and it will not be enforced. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
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Virudhunagar District.
4. The Tahsildar,
Srivilliputhur,
Virudhunagar District.
5. The Deputy Tahsildar-I,
Srivilliputhur Taluk,
Virudhunagar District.
6. The Village Administrative Officer,
Valaikulam Village,
Srivilliputhur Taluk,
Virudhunagar District.



WEB COPY



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W.P.(MD)NO.15644 OF 2015

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.15644 of 2015

13.07.2023